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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 HOLLY SESOCK, ET AL.,

7 Plaintiffs,

8 v.

9 D1 KENNELS, ET AL.,

10 Defendants.
11

Case No. 2:20-cv-01466-APG-DJA

ORDER

12 This matter is before the Court on Third Party Defendant J.G.'s Demand for Cost Bond
13 (ECF No. 22), filed on January 1, 2021. Third Party Defendant seeks an order from the Court for
14 Third Party Plaintiff Raven Dudley to post a cost bond pursuant to NRS 18.130(1) as Dudley is a
15 resident of Texas.

16 Under N.R.S. 18.130(1), "When a plaintiff in an action resides out of the State, or is a
17 foreign corporation, security for the costs and charges which may be awarded against such
18 plaintiff may be required by the defendant." The Ninth Circuit has stated the following with
19 respect to a demand for security for costs in federal court:

20 There is no specific provision in the Federal Rules of Civil Procedure relating to
21 security for costs. However, the federal district courts have inherent power to
22 require plaintiffs to post security for costs. Typically federal courts, either by rule
23 or by case-to-case determination, follow the forum state's practice with regard to
24 security for costs, as they did prior to the federal rules; this is especially common
25 when a non-resident party is involved.

26 *Simulnet E. Assoc. v. Ramada Hotel Operating Co.*, 37 F.3d 573, 574 (citation and internal
27 quotations omitted). While the Nevada District Court has not adopted a specific court rule with
28 respect to security for costs, it has adopted N.R.S. 18.130 as the appropriate procedure through
case law in diversity jurisdiction cases. "It has been the policy of the United States District Court


1 for the District of Nevada to enforce the requirements of N.R.S. 18.130 in diversity actions.”
2 *Hamar v. Hyatt Corp.*, 98 F.R.D. 305 (D. Nev. 1983).

3 However, as this District Court has previously found, “[w]hen suit is brought under a
4 federal statute, state provisions requiring security for costs or expenses clearly are inapplicable.”
5 *Wells Fargo Bank, N.A. v. SFR Investments Pool 1, LLC*, 257 F. Supp. 3d 1110, 1111 (D. Nev.
6 2017) (citing 10 Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 2671
7 (3d ed.)). “Instead, the court may apply its own rules or state practice to require security for costs
8 as a discretionary matter, taking into account the policy of the underlying federal statute, the
9 defendant's ability to recover costs from an out-of-state plaintiff if the defendant prevails, the
10 plaintiff's solvency, and any other pertinent factors.” *Id.*

11 Here, the Complaint was filed on August 6, 2020 on the basis of diversity jurisdiction and
12 the six claims at issue involve Nevada law. The Court will therefore grant the Motion.

13 IT IS THEREFORE ORDERED that Third Part Defendant J.G.’s Demand for Cost Bond
14 (ECF No. 22) is **granted**.

15 DATED: January 8, 2021

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18 DANIEL J. ALBRECHTS
19 UNITED STATES MAGISTRATE JUDGE
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